

Remarks

This Amendment is submitted in response to the office action mailed March 24, 2004, in connection with the above-identified application (hereinafter, the "Office Action"). The Office Action provided a three-month shortened statutory period in which to respond, ending on June 24, 2004. Submitted herewith is a Petition for a Two-Month Extension of Time extending the due date to August 24, 2004. Accordingly, this Amendment is timely submitted.

Claims 1 through 23 are currently pending. Applicants respectfully request the entry of the amendments to Claims 1, 3, 5 to 7, 11 and 13. Applicants also request that Claims 2, 4, and 14 through 23 be cancelled without prejudice. Applicants respectfully submit that the amendments to the pending claims do not introduce any new matter.

Restriction/Election

Applicants hereby confirm the election to prosecute the invention of the species of Example 1 as made by Ms. Paivi Kukkola on March 12, 2004.

Claim Objections

Claims 1 through 23 are objected to as containing non-elected subject matter. The claims of the subject application have been amended to limit them to the elected subject matter.

Obviousness-Type Double Patenting

Applicants shall address the double patenting rejection when the pending claims are in condition for allowance.

Rejection under 35 U.S.C. § 103

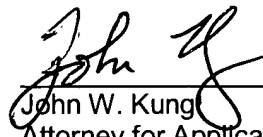
Claims 1 through 23 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 6,326,501 to Jiang (hereinafter "*Jiang*").

The present invention teaches high efficient and catalytic methods for the N-methylation of indole derivatives. Specifically, the present invention features the preparation of such indole derivatives by reacting indoles of the formula (II) with dimethyl carbonate in the presence of a catalytic amount of 1,4-diazabicyclo[2.2.2]octane (hereinafter, "DABCO"). Applicants have surprisingly found that DABCO has a catalytic effect on the aforementioned process. Referring to Table 1 of the Specification, when no DABCO is present in the process, 100% of the starting material remains after conducting the reaction at 90°C. In contrast, greater than 99% of the product is recovered when DABCO is included in the reaction.

Jiang fails to teach or suggest the inclusion of DABCO in the reaction. In Example 7 of *Jiang*, in order for the reaction to proceed, the temperature was approximately 130°C. This temperature is significantly higher than that used for the reactions of the present invention. Thus, the conditions in *Jiang* are harsh and noncatalytic unlike those of the present invention.

Thus, in view of the foregoing arguments Applicants respectfully request that these rejections under 35 U.S.C. § 103(a) be withdrawn. Furthermore, Applicants respectfully request reconsideration of the present application. If a telephone interview would be of assistance in advancing the prosecution of this application, Applicants' undersigned attorney invites the Examiner to telephone him at the telephone number provided below.

Respectfully submitted,



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